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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-00768 LHK
Plaintiff,)	STIPULATION AND PROPOSED
v.)	ORDER RESETTING STATUS
ROY BENJAMIN,)	CONFERENCE AND EXCLUDING TIME
Defendants.)	UNDER THE SPEEDY TRIAL ACT

The matter is set for an initial appearance in district court on December 12, 2012. The parties now jointly request that the December 12, 2012 be continued (1) to allow defense counsel additional time to review discovery; (2) to confer regarding electronic media related to the case; and (3) to discuss a potential resolution of the case. In light of the above, the parties now jointly request that this matter be set for initial appearance before this Court on January 23, 2013.

The parties agree, and the Court finds and holds, as follows:

1. The December 12, 2012 initial appearance date is vacated.
2. This matter is set before this Court for initial appearance on January 23, 2013 at 9:00

a.m.

STIPULATION AND ~~PROPOSED~~ ORDER
CR 12-00768 LHK

3. The time between December 12, 2012 and January 23, 2013 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

DATED: 12/6/12


/s/
THOMAS NOLAN
Counsel for Defendant Benjamin

DATED: 12/6/12

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 12/7/12


LUCY H. KOH
UNITED STATES DISTRICT JUDGE